LASER & SKIN
SURGERY CENTER
of Northern California

Declaration of Suzanne Kilmer, MD

Suzanne Kilmer, MD declares and states as follows:

1. I am a board certified dermatologist and the Director of the Laser & Skin Surgery Center of Northern California, one of the world's foremost centers on skin laser surgery. I received my M.D. degree with honors and completed my residency at U.C. Davis Medical Center before moving East for a one-year clinical and research fellowship in laser surgery at Harvard Medical School. I remained at Harvard as a faculty member for two years researching laser treatment of tattoos, pigmented lesions, and the rapidly pulsed lasers now popular for laser resurfacing. Further details are provided in my CV, which I have attached.

Suzanne L. Kilmer, M.D.
DIRECTOR
BOARD CERTIFIED IN DERMATOLOGY

2. I have been chosen as one of the "Best Doctors in America" by my peers, lecture internationally, have published numerous articles and teach other physicians the skills necessary to perform laser surgery. A past president of the American Society of Lasers in Medicine and Surgery, I also sit on several medical advisory boards for laser companies and editorial review boards for dermatologic journals. I have been featured on local and national news programs, Oprah Winfrey, and in Ann Landers, Newsweek and Self Magazine, where I was listed as one of the top ten laser surgeons in the country. I have personally performed over 25,000 dermatologic laser procedures.

3. The Laser and Skin Surgery Center has over 20 laser / light-source devices on-site; I have used each of these devices in my practice, and have trained other physicians on many of them:

- Aesthera Laser
- Aurora RFL
- CoolGlide Laser
- CoolTouch Laser
- Diolite Laser
- Fraxel Laser
- GentleLASE Laser
- GentleYAG Laser
- LightSheer Diode Laser
- Lumenis I IPL
- Medlite C Laser
- N-Lite Laser
- Profile Erbium Laser
- PSR Portrait Device
- Pulsed Dye Laser
- QS Alexandrite Laser
- QS Nd: YAG Laser
- SmoothBeam Laser
- ThermaCool Device
- Titan Device
- Ultrapulse CO2 Laser
- V Beam Laser
- V Beam Perfecta Laser

4. I have no financial or business relationship with SpectraGenics, Inc., and am not being compensated for my time in preparing this declaration.

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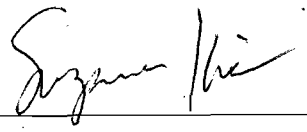
5. Dermatologic lasers in general, and all of the laser and light-based devices in my practice listed above, represent a very serious eye hazard. When using any of these devices I am always extremely careful to ensure that I as the treating physician, the patient, and any other staff in the room have their eyes fully protected either with eye shields or laser safety glasses or goggles. In my entire professional career I have never heard of a laser that was powerful enough to cause thermal damage to a hair follicle, and yet at the same time was eye-safe.

6. Thus I was greatly surprised to learn that the hand-held diode laser device invented at SpectraGenics is effective for hair removal, and yet is a Class I laser under the federal laser hazard classification. That is, no protective eyewear or special hazard labeling is required during its use. In addition, this device was cleared by the U.S. Food and Drug Administration in 2005, after reviewing safety and efficacy data, for laser hair removal by physicians as a Class I laser.

7. When I first heard that the SpectraGenics device is eye-safe, I assumed that this could only be the case by making sure that the laser output traveled directly into the skin, without any light escaping into the room. I was amazed to learn that the device is *inherently* eye-safe; that is, it can be pulsed directly toward the face while producing on the cornea a fluence that is below the limit for a Class I device, thus avoiding retinal injury.

8. This invention is extremely significant considering the steadily increasing interest in light-based beauty devices for home use. Unwanted hair has been a significant problem for many women for generations. The hand-held diode laser invented by SpectraGenics makes possible, for the first time, laser hair removal at home with an inherently eye-safe device, and as such, is a remarkable invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Suzanne Kilmer, MD Date